

FILED

AUG 6 2002

DONALD F. PHELAN  
CLERK

SUPERIOR COURT OF NEW JERSEY  
LAW DIVISION - CRIMINAL

State Grand Jury

Number SGJ 462-02-6

Superior Court

Docket Number 02-08-00122-S

STATE OF NEW JERSEY )

INDICTMENT

v. )

ELLIOT HELLER, MD )

The Grand Jurors of and for the State of New Jersey, upon  
their oaths, present that:

COUNT ONE

(Conspiracy - Second Degree)

ELLIOT HELLER

who is named as a defendant herein, and other persons whose  
identities are known to the Grand Jurors and who are conspirators  
but who are not named as defendants herein, between on or about  
April 1, 1996, and on or about April 21, 1998, in the Township of  
Edison, in the County of Middlesex, elsewhere and within the  
jurisdiction of this Court, with the purpose of promoting and  
facilitating the crime of Theft by Deception did agree that:

- A. One or more of them would engage in conduct which  
would constitute the aforesaid crime, and
- B. One or more of them would aid in the planning and  
commission of said crimes, that is:

1. Purposely obtain or attempt to obtain property of another in excess of \$75,000 by deception, in violation of the provisions of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:5-1.

All contrary to the provisions of N.J.S.A. 2C:5-2, and against the peace of this State, the government and dignity of the same.

COUNT TWO

(Theft by Deception - Second Degree)

ELLIOT HELLER

between on or about April 1, 1996, and on or about April 21, 1998, in the Township of Edison, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, doing business as Ear, Nose, Throat Group of N.J./Plastic Surgery Associates of N.J. (hereinafter, "ENT"), did purposely obtain or attempt to obtain property of another in excess of \$75,000 by deception, that is the said ELLIOT HELLER, doing business as ENT, did purposely obtain or attempt to obtain in excess of \$75,000 from various insurance companies, to wit: Aetna, All America Financial, BlueCross/BlueShield, Celtic Life, Chubb Colonial Life, Cigna, Great West Life and Annuity, MetraHealth, New Jersey Car, Pacific Life, Prudential, Unicare, and United Healthcare, by creating or reinforcing the false impression that certain bills submitted for payment accurately reflected the sinus surgical procedures provided to ENT's patients,

WHEREAS, IN TRUTH AND IN FACT, as the said ELLIOT HELLER well knew, the billings did not accurately reflect the sinus surgical procedures provided to ENT's patients, contrary to the provisions of N.J.S.A. 2C:20-4, and against the peace of this State, the government and dignity of the same.

COUNT THREE

(Theft by Deception - Second Degree)

ELLIOT HELLER

between on or about January 1, 1997, and on or about November 1, 1997, in the Township of Edison, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, doing business as Ear, Nose, Throat Group of N.J./Plastic Surgery Associates of N.J. (hereinafter, "ENT"), did purposely obtain or attempt to obtain property of another in excess of \$75,000 by deception, that is the said ELLIOT HELLER, doing business as ENT, did purposely obtain or attempt to obtain in excess of \$75,000 from various insurance companies, to wit: Aetna, Cigna, Great West Life and Annuity, Guardian, HealthNet, Humana, Indecs Corp., MagnaCare, MetraHealth, Unicare, United Healthcare, USI Administrators, and U.S. Life, by creating or reinforcing the false impression that certain bills submitted for payment accurately reflected the true identity of the surgeon who performed sinus surgery on ENT's patients,

WHEREAS, IN TRUTH AND IN FACT, as the said ELLIOT HELLER well knew, the billings did not accurately reflect the true identity of the surgeon who performed sinus surgery on ENT's patients, contrary to the provisions of N.J.S.A. 2C:20-4, and against the peace of this State, the government and dignity of the same.

COUNT FOUR

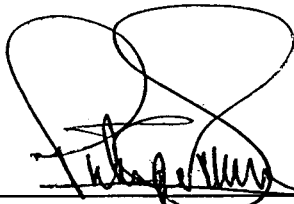
(Attempted Theft by Deception - Second Degree)

ELLIOT HELLER

between on or about January 1, 1997, and on or about September 30, 1997, in the Township of Edison, in the County of Middlesex, elsewhere and within the jurisdiction of this Court, doing business as Ear, Nose, Throat Group of N.J./Plastic Surgery Associates of N.J. (hereinafter, "ENT"), did purposely obtain or attempt to obtain property of another in excess of \$75,000 by deception, that is the said ELLIOT HELLER, doing business as ENT, did purposely obtain or attempt to obtain in excess of \$75,000 from various insurance companies and/or other entities, to wit: Aetna, Allstate, BlueCross/BlueShield, Cigna, Insignia Financial Group, MetraHealth, Oxford Health, United Healthcare, U.S. Healthcare, and Local 734 Employee Welfare Fund of AFL-CIO, by creating or reinforcing the false impression that certain bills submitted for payment accurately reflected the sinus surgical procedures provided to ENT's patients,

WHEREAS, IN TRUTH AND IN FACT, as the said ELLIOT HELLER well knew, the billings did not accurately reflect the sinus surgical procedures provided to ENT's patients, contrary to the

provisions of N.J.S.A. 2C:20-4 and N.J.S.A. 2C:5-1, and against the peace of this State, the government and dignity of the same.



Peter C. Harvey, F.A.A.G.  
Director  
Division of Criminal Justice

A TRUE BILL:



, Foreperson

Dated: \_\_\_\_\_

8/6/02